JUNE 6, 2017

INVOCATION:
Pastor Carl Nielsen, of Bethel Lutheran Church, gave the Invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Moats led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Patino called the meeting to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Cordero, Moats, Waterfield, and Mayor Patino.

STAFF MEMBERS PRESENT
City Manager Haydon, City Attorney Trujillo, Fire Chief Champion, Director of Finance Harvey, City Librarian Housel, Police Chief Martin, Director of Community Development Ng, Recreation & Parks Director Posada, Director of Utilities Springer, Deputy City Manager Stilwell, Director of Human Resources and Records Anderson, Principal Engineer Beas, Assistant City Attorney Sinco, and Chief Deputy City Clerk Garietz.

1. PROCLAMATIONS/COMMENDATIONS/PRESENTATIONS:

A. COMMENDATION – LT. MARK NORLING
Councilmember Cordero presented Resolution No. 2017-56 thanking and commending Santa Maria Police Lieutenant Mark Norling, for 22 years of service, which was adopted on motion by Councilmember Cordero, seconded by Councilmember Boysen, and carried on the following vote: 5-0

AYES:	Councilmembers Boysen, Cordero, Moats, Waterfield, and Mayor Patino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2017-56 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, COMMENDING SANTA MARIA POLICE LIEUTENANT MARK NORLING FOR HIS 22 YEARS OF OUTSTANDING SERVICE TO THE CITY OF SANTA MARIA AND CONGRATULATING HIM ON HIS RETIREMENT.

Chief Martin commented that Lt. Norling had been a steady role-model for officers and new supervisors in training. He added that Lt. Norling spent some of his time working with the Allan Hancock Police Academy as a trainer. He thanked Lt. Norling for his professionalism and dedication.

B. PRESENTATION – "GOING THE EXTRA MILE" (GEM) AWARD
City Manager Haydon presented the City's *Going the Extra Mile* (GEM) Award to Dave Portwood, Solid Waste Collection Supervisor with the Utilities Department, in recognition of his initiative and assistance with large neighborhood preservation projects. One particular project involved cleaning up debris, painting dumpsters, and organizing the alleyway in the Sheila-Newlove area. City Manager Haydon presented before and after photos of the improvements saying the effort had helped decrease calls for service to the area, thereby saving tax-payers thousands of dollars in staff time.

Mr. Portwood spoke of his appreciation for the teamwork between City employees and thanked the Code Compliance Division for nominating him for the GEM Award.

Utilities Director Springer added that Mr. Portwood's appreciation of other employees and willingness to welcome (and implement) new ideas added to the Utilities Department's ability to better service the community. Mr. Springer also acknowledged his team's efforts to clean up after people who do illegal dumping.

C. PRESENTATION – SERVE SANTA MARIA

Pastor Carl Nielsen of Bethel Lutheran Church gave a presentation on the recent Serve Santa Maria event held April 29, 2017. Serve Santa Maria events begin at the Abel Maldonado Youth Center on Saturday mornings. After registering to volunteer, workers meet for donuts and coffee provided by the Santa Maria All-America City Committee while hearing a brief overview of the day's activities. Water (donated by the local Pepsi distributer) and lunches (donated by the Salvation Army) are also provided. Volunteers for the day come from various non-profit and civic organizations, churches, and service clubs such as Hardy Diagnostics, Church of Latter Day Saints, Grace Baptist Church, Central Coast Rescue Mission, Santa Maria Foursquare Church, First Christian Church, and FedEx, to name a few. Projects include painting fences, drawing maps on school and church properties by request, mowing lawns, picking up and disposing of trash into roll-off dumpsters (donated by Hugh Bedford Enterprises), landscaping and painting at City parks, graffiti removal, and general clean up around businesses. The City of Santa Maria waives dump fees that day so volunteers may dispose of the trash properly. Pastor Nielsen thanked Thrivent Financial, Home Depot, the Serve Santa Maria Leadership Team, Santa Maria Times/KSBY, and all of the volunteers for their support.

The next Serve Santa Maria is scheduled for August 26, 2017.

2. PUBLIC COMMENT PERIOD

Ernest Armenta spoke about the elected City Clerk and City Treasurer positions and various items on the City budget.

Gina Cortez, representing Fighting Back Santa Maria Valley, spoke about substance abuse. She indicated that local youth are able to obtain marijuana through the use of a weed maps phone app and accept deliveries. She invited Alisha Erb and Ivy Hatter to share their findings from a youth survey the group recently completed. They learned teens have wide-spread knowledge of the potency and the different types of marijuana available to them. Many obtain the marijuana from family and friends at discounted prices. Dealing with substance abuse is one of the main focuses of the organization.

Councilmember Boysen asked if it was possible to do sting operations on the app.

Chief Martin responded that it was difficult to track the multiple delivery services in the City and coming into the City.

Arsenio Paduganan spoke about the cost of incarcerating prisoners.

Rod Berns spoke about his brother, Jerry Berns, who had been killed in Santa Maria in 2009 and the history of events that had transpired since then. He also played a voicemail from his brother claiming there was corruption in the Police Department.

City Manager Haydon indicated he had met with Mr. Berns in 2016 to discuss the City's process on police cases. He indicated that due to the Police Officers' Bill of Rights and certain statute of limitations rules, the City can no longer look into certain allegations that expire after a certain period of time. Mr. Haydon indicated that he has referred Mr. Berns to the District Attorney's Office to help resolve any issues he had with the Santa Maria Police Department. He was also referred Mr. Berns to the Santa Barbara County Grand Jury and provided him with the contact information of the State Attorney General should he choose to file charges against the City staff or police personnel. He concluded by indicating that the City had exhausted its administrative process in this matter.

Chief Martin provided more detail indicating that, back in 2009, Jerry Berns was in the process of committing a robbery and was armed with a gun when he confronted two people in a warehouse where marijuana was being stored. During the confrontation, Mr. Berns shot one of the people. That person returned fire with his own gun and killed Mr. Berns. The Police Department and District Attorney's Office investigated the incident and charges were not filed because it was decided the shooting was in self-defense. Chief Martin indicated that a thorough investigation took place and it was determined that there was no cover-up. Should Mr. Berns decide to go to any FBI or other agencies to further investigate the case, the Police Department would be happy to open up the files to them.

3. CONSENT CALENDAR:

Councilmembers Boysen and Waterfield recused themselves from voting on Item 3D (Warrants) due to financial conflicts of interest.

Consent Calendar Items 3A through 3H (except 3D) were approved on motion by Councilmember Boysen, seconded by Councilmember Waterfield, and carried on the following vote: 5-0

AYES: Councilmembers Boysen, Cordero, Moats, Waterfield, and Mayor Patino.
NOES: None
ABSENT: None
ABSTAIN: None

Consent Calendar Item 3D only was approved on motion by Councilmember Cordero, seconded by Councilmember Moats, and carried on the following vote: 3-0-2

AYES: Councilmembers Cordero, Moats, and Mayor Patino.
NOES: None
ABSENT: None
ABSTAIN: Councilmembers Boysen and Waterfield

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the regular Meeting of the City Council of May 16, 2017, were approved as submitted.

C. GRAND JURY REPORT UNION VALLEY PARKWAY
The City Council approved staff's response to the Santa Barbara County Civil Grand Jury Report entitled *Detention Facilities Report;* and authorized the Mayor to sign and transmit the City's response

to the Presiding Judge of the Superior Court, the County of Santa Barbara, and file a copy with the City Clerk's Office.

D. WARRANTS
Warrant Nos. 207450 to 208046 totaling $4,540,516.68 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Finance. Warrant Nos. 200488, 201064, 202936, 205315, 205316, 201420, 201833, 202230, 207597, and 207681 were cancelled.

E. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Finance and having been approved for payment by the Director of Finance.

F. 2015-16 ACTION PLAN – COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
Resolution No. 2017-57 was adopted approving the Amended Annual Action Plan for Fiscal Year 2015-16 for the use of Federal funds under the Community Development Block Grant Program.

Resolution No. 2017-57 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE AMENDED ANNUAL ACTION PLAN FOR FISCAL YEAR 2015-16 FOR THE USE OF FEDERAL FUNDS UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

G. SUMMARY VACATION – LA BREA AVENUE
Resolution No. 2017-58 was adopted approving the summary vacation of a portion of the right-of-way for La Brea Avenue, pursuant to the Streets and Highway Code §8334(a), and directing that the resolution be recorded with the County Clerk Recorder.

Resolution No. 2017-58 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, SUMMARY VACATION OF A PORTION OF THE STREET RIGHT-OF-WAY FOR LA BREA AVENUE PURSUANT TO STREETS & HIGHWAYS CODE SECTION 8334 (a).

H. AWARD OF BID – MONUMENT SIGN PROJECT
Resolution No. 2017-59 was adopted awarding the bid for the Monument Sign Project, Bid No. 2017/02, to J.F. Will Company in the amount of $237,605.

Resolution No. 2017-59 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH THE J.F. WILL COMPANY FOR BID NO. 2017/02, SANTA MARIA MONUMENT SIGN PROJECT.

PUBLIC HEARINGS

4. SANTA MARIA MUNICIPAL CODE UPDATE – DUTIES OF THE MAYOR. The City Council considered an ordinance adding Chapter 2-19 to Title 2 of the Santa Maria Municipal Code confirming and establishing additional duties and obligations of the Mayor.

Assistant City Attorney Sinco gave a presentation as detailed in the Council Agenda Report. The Mayor's position takes on duties in addition to those that apply to all members of the legislative body. The Santa Maria Municipal Code provides that the Mayor shall receive an additional salary above and beyond what is provided to each Councilmember. Most of the additional duties and obligations, while being past practice, have not been written into the Municipal Code. In light of the recent adoption of a by-district election process, staff is recommending the adoption of an ordinance describing the additional duties and obligations of the Mayor. The Mayor's seat will continue to be elected at-large as opposed to the four Councilmembers who must reside and be elected in one of the four new voting districts. Mayor duties will include: 1) presiding over City Council meetings as the Chair; 2) representing the City as its official leader in ceremonial and other occasions; 3) the ability to request that the City Manager place an item on the Council agenda; 4) the approval of all official and administrative proclamations; 5) the authority to name another City Councilmember as Mayor Pro Tem; 6) the authority to appoint persons to the City's Boards/Committees/Commissions; 7) approving timecards and reimbursements to the City Manager and City Attorney; 8) signing all ordinances, resolutions and minutes that are passed by the City Council; 9) signing all contracts unless the Council has delegated that responsibility to another City official; and 10) the authority to designate the venue of City Council meetings in the event the City Council Chambers are not available or appropriate to hold a meeting.

Mr. Sinco pointed out that on the ordinance, proposed Section 2-19.02(c) mentions that the Mayor is responsible for approving all proclamations. This line is redundant because the next Subsection mentions the same. He stated that staff recommended striking the language in that Subsection.

Written communications
There were no written communications.

Public hearing
Mayor Patino opened the public hearing at 7:32 p.m.

Ernest Armenta asked for clarification on term limits and requests to place items on the agenda. He also suggested a two-year term limit be set for the Mayor's seat.

Having no other requests to speak, the Mayor closed the public hearing at 7:36 p.m.

Council discussion
Councilmember Moats commented on the duties of the Mayor and suggested a financial raise for the position given how many activities the Mayor participates in.

Councilmember Cordero agreed saying he had stood in for former Mayor Lavagnino during his absence in the past, and was surprised to learn how many additional duties the Mayor has.

Mayor Pro Tem Boysen agreed; but noted that due to the City's tenuous financial situation, now would not be the time to initiate a pay increase.

Ordinance No. 2017-07 was introduced by title only for first reading, and continued to the next meeting for second reading and adoption, adding Chapter 2-19 to Title 2 of the Santa Maria Municipal Code confirming and establishing the additional duties and obligations of the Mayor, as amended, on motion by Councilmember Boysen, seconded by Councilmember Cordero, and carried on the following vote: 5-0

AYES: Councilmembers Boysen, Cordero, Moats, Waterfield, and Mayor Patino.

NOES: None
ABSENT: None
ABSTAIN: None

5. SANTA MARIA MUNICIPAL CODE UPDATE – PERMITS FOR CITY PARKS. The City Council considered a recommendation of the Recreation & Parks Commission to amend Chapter 10 of the Santa Maria Municipal Code adding Chapter 10-5 establishing a commercial activity and concession permit process for City parks.

Recreation & Parks Director Posada gave a presentation as detailed in the Council Agenda Report. Vendors being considered for the required permit would include anyone with their own business such as mobile food vendors and those who offer instructional classes. As more vendors are using the parks to sell food and conduct business, City staff is having to clean up more trash and perform additional upkeep in the parks. Some vendors, particularly those with exercise classes, are creating noise for other park users and surrounding homes.

Enforcement of the permitting process would be conducted by the City Park Rangers. The annual fees being proposed are $300 for education and fitness providers, $600 for mobile bicycle vending and push-carts, and $1,200 for motorized vehicles. Full rates would commence July 1, 2017, following an outreach effort to educate the public on the new process.

Councilmember Waterfield asked about the ordinance already in place to prohibit the sale of fresh flowers and if parks had been included in that ordinance.

Recreation & Parks Director Posada confirmed that parks were not addressed in the original ordinance relating to flower sales.

Councilmember Boysen asked for clarification on the number of carts or bounce houses a business could have under the umbrella of one permit. He also asked if this was common practice in other cities, and if the Santa Maria's current noise ordinance covered some of the noise being created by vendors.

Recreation & Parks Director Posada responded that with a permit, a business would be allowed a certain number of carts or bounce houses in the park. He added that cities across the country are implementing permits as the popularity of outdoor classes and food trucks is increasing. Additionally, the City's noise ordinance does give City Rangers the authority to cite any vendor creating noise in the park, however, that would be a criminal citation, whereas the new ordinance would allow for an administrative citation.

Councilmember Moats asked if the vendors who offer free classes and non-profit organization like Kiwanis Club or Rotary would be required to pay for a permit. He also clarified that the ordinance would apply to those vendors only <u>inside</u> the park. A vendor across the street on the sidewalk, outside park limits would not fall under the umbrella of the ordinance.

Recreation & Parks Director Posada indicated the permit process would only apply to vendors who charge a fee and only those who run a business. The one-time events would not be included in the ordinance as they fall under the normal permit process which most organizations in town are familiar with.

Councilmember Waterfield asked how the process would work for parents who want bounce houses in a park for their child's party.

Recreation & Parks Director Posada explained the Recreation & Parks Department would offer parents a list of licensed vendors they could work with. If they chose a non-licensed vendor, that vendor would get the citation should there be any problems.

Councilmember Cordero asked if most of the 22 parks would have food vendors in the busier time during the summer.

Recreation & Parks Director Posada confirmed that they normally do. Bounce houses with generators would be limited to certain parks and not others due to the noise they generate for nearby surrounding residents.

Mayor Patino asked how the ordinance would be enforced.

Recreation & Parks Director Posada responded that park rangers would have the authority to request to see a vendor's permit. The rangers would also have pick-up trucks and the ability to pick up a push cart if it needed to be removed. They would also coordinate with the Police Department, when needed.

Mayor Patino requested that fresh-cut flowers be stricken from the list of approved vendors as there had been problems in the past with too many flower carts and flower vendors in the City.

<u>Written communications</u>
There were no written communications.

Public hearing
Mayor Patino opened the public hearing at 8:00 p.m.

Danny Mogg asked if fees could be waived for the smaller scale vendors (such as ice cream and corn vendors) as long as their business licenses and health certificates were up to date, since they do not make much money to begin with.

Abraham Melendrez spoke in opposition to the ordinance saying he understood the need for regulation, but did not think small businesses should be required to help finance the solution. He suggested not charging local vendors and businesses, but rather charging vendors coming in from outside the City. He encouraged the Recreation & Parks Department to invite vendors to be at local events throughout the year.

Ernest Armenta asked that the George Hobbs Park be included on the list of parks in the permit ordinance. He also asked if the City was liable should someone get sick from consuming a food vendor's food. And he expressed concern about whether vendors would be able to afford the fees.

Recreation & Parks Director Posada commented that each vendor would be required to provide insurance naming the City as additionally insured.

Having no other requests to speak, Mayor Patino closed the public hearing at 8:08 p.m.

Council discussion
Councilmember Boysen stated he agreed with the necessity for a permit process, but he was concerned some vendors might not be able to pay the fees. He suggested that, if the permit process were approved, the Council receive an update in six months as to how the program was working.

After some discussion, it was the consensus of the City Council that the fees should be reconsidered.

Recreation & Parks Director Posada commented that the City has a program called the City Resident Discount Program. Residents who can prove they live within City limits receive a 25 percent discount on fees. Currently this applies to classes and programs, but could be considered for the park permit process. Additionally, the fees could be restructured.

The City Council directed staff to refer the ordinance back to the Recreation & Parks Commission to provide a different fee structure and remove vendors who sell fresh flowers from the list of approved vendors who could receive permits.

REPORT BY CITY MANAGER:
City Manager Haydon reported the next City Council meeting will be June 20, 2017. Items on the agenda include retirement resolutions for Solid Waste Landfill Supervisor Doug Shearer and Police Chief Martin; a Notice of Meeting Cancellation for the July 4th Council meeting; the Buena Vista Park Award of Bid; and the 2017-18 Mid-Cycle Budget Report.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS (INCLUDING AB1234 REPORTS):
Councilmember Boysen reported he attended the Investment Oversight Committee meeting.

Councilmember Waterfield reported that she attended the Police Department's Memorial Ceremony for Fallen Officers; coordinated the Annual Police Council's Golf Tournament; attended the Celebrity Bartending Event for the Elks Eagles Club; attended the Santa Barbara County Tax Payers Association meeting; attended the Senior Citizens Volunteer Program; attended a C3H meeting; attended a LAFCO meeting; attended Bruno Brunello's funeral; and attended the Elks Rodeo Parade and Rodeo.

Councilmember Moats reported that he attended the Police Department's Memorial Ceremony for Fallen Officers.

Councilmember Cordero reported that he attended the Police Department's Memorial Ceremony for Fallen Officers; an SEIU meeting; Memorial Day services at the cemetery and the Elks Rodeo Center; the Meet & Greet session with the Elks Club; a United Way meeting; a C3H Policy Council meeting; presented a proclamation at County Superintendent of Schools, Bill Cirone's retirement celebration; attended the Annual Joni Gray party at the Elk's Event Center; participated in the Elks Rodeo Parade; and attended the Special Olympics Torch Run.

Mayor Patino reported that she participated in the El Camino Career Day event; attended the Police Department's Memorial Ceremony for Fallen Officers; attended a State Route 166 Safety Task Force

Meeting at the CHP; attended the SBCAG monthly Board meeting; attended the APCD Board meeting; attended an SBCAG meeting; attended the West Coast Kustoms Hall of Fame/Media Dinner; attended Downtown Fridays; attended the ribbon cutting for the new Wine Trolley; attended the Boy Scouts Court of Honor and Eagle Award Ceremony; attended the St. Joseph High School Graduation Ceremony; attended the Memorial Day Ceremony at the cemetery; spoke to students at Tommie Kunst Junior High; participated in a Motorola interview called *Safer Cities, Thriving Communities*; participated in a First 5 all-day tour visiting agencies in the North County; participated in the Elks Wine Trolley Tour; attended the Elks Rodeo Meet & Greet welcome reception; attended Downtown Fridays; rode in the Elks Rodeo Parade; attended the Elks Rodeo; attended the Change of Command at Vandenberg Air Force Base; attended Rotary; spoke on the Ben Heighes radio show; and attended the Special Olympics Torch Run. She also shared that Day of Hope newspaper sales brought in a little over $170,000 to benefit local cancer patients.

RECESS:
Mayor Patino recessed to a Closed Session at 8:33 p.m. for 1) a CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Section 54956.8 of the Government Code. Property: Surplus Water (Up to 4,000 AF). Agency negotiator: Shad Springer, Director of Utilities. Negotiating parties: City of Santa Maria and Montecito Water District; City of Santa Maria and City of Santa Barbara. Under negotiation: Price and terms of payment; and 2) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Section 54956.9 (1) (d) *Angela Haifi-Madrigal v. City of Santa Maria*, Case No. 17CV00008.

CLOSED SESSION REPORT:
Following the closed session, the City Attorney announced there was no reportable action on either Closed Session item.

ADJOURNMENT:
There being no further business before the City Council, Mayor Patino declared the City Council meeting adjourned in memory of Fred Wellenkamp and Bruno Brunello at 9:18 p.m.

APPROVED:

June 20, 2017
Date

Rhonda M. Garietz, CMC
Chief Deputy City Clerk and ex officio Clerk of the City Council

Alice M. Patino
Mayor of the City of Santa Maria

ATTEST:

Rhonda M. Garietz, CMC
Chief Deputy City Clerk